



STATE OF CONNECTICUT

STATE DEPARTMENT ON AGING

LONG TERM CARE OMBUDSMAN PROGRAM

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AGING COMMITTEE

Public Hearing

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Good morning Senator Ayala and Representative Serra and members of the Aging Committee. My name is Nancy Shaffer and I am the State Long Term Care Ombudsman. Pursuant to the Older American's Act of 1965 and Connecticut General Statute 17b-400-417, it is the duty of the State Ombudsman to provide services to protect the health, safety, welfare and rights of the residents of skilled nursing facilities, residential care homes and managed residential communities/assisted living facilities. As State Ombudsman it is my responsibility to advocate for changes in laws and governmental policies and actions that pertain to the health, safety, welfare and rights of residents with respect to the adequacy of long-term care facilities. I appreciate this opportunity to testify on behalf of the many thousands of Connecticut residents who receive long term services and supports.

I am testifying today in support of the following proposals:

Raised Bill No. 5300 AN ACT CONCERNING NURSING HOME NOTIFICATIONS

The purpose of this proposal is to notify nursing home licensees, owners and officers of potential liability for abuse or neglect of nursing home residents. The State of Connecticut has a responsibility to ensure that unscrupulous nursing home providers are not allowed to do business in Connecticut. This bill affirms Connecticut's commitment to quality long term care and services for its frail elder and disabled residents. This proposal is not, as some may suggest, an insult to professional and caring providers. To the contrary I suggest that this proposal will remind potential new owners and nursing home operators of the high standards Connecticut expects of them.

In the past few years Connecticut has experienced a large number of nursing home bankruptcies, receiverships and closures. Often times these events do not come as a surprise because the home(s) have shown signs of inadequate care and services prior to the stated financial event. Last year I testified about the sad situation of the William and Sally Tandet Center in Stamford. In 2009, Massachusetts Attorney General Martha Coakley banned owner Douglas Mittleider from doing business in that state for ten years. She concluded he had mismanaged and "financially abandoned" the home, Governor Wintthrop Nursing Home, its staff and its residents. But Mr. Mittleider was allowed to do business in Connecticut and during the course of his operation of the Tandet Center vendors refused to deliver necessary services (including food, medical equipment and therapy services). As the result of Mr.

Mittleider's irresponsible business practices residents and staff suffered. The Department of Public Health cited the home multiple times over the course of just those few years for deficient care and services. The home ultimately closed and 115 residents had to be relocated.

A Government of Accountability Office (GAO) report of 2011 studied for-profit versus not-for-profit nursing facilities. The study showed that facilities acquired between 2004 and 2007 by the top ten private equity firms:

- Had more total deficiencies than not-for-profit facilities
- Reported lower total nurse staffing ratios; and
- Showed capital-related cost increases and higher profit margins, compared to other facilities

The GAO concluded that "ownership and sponsorship type have repeatedly been shown to make a difference in the quality of care given to residents." I am not suggesting that the Connecticut for-profit nursing home industry is unscrupulous. But, this study suggests there is a correlation at the national level between higher number of deficiencies in care, lower nurse staffing ratios and higher profit margins. And as a State we must be vigilant to those who would take advantage, set up a business for their own profit and at the expense of the consumers and the State.

I appreciate the members of the Aging Committee re-raising this bill. I am grateful for your commitment to the elders and disabled individuals in our State's nursing homes.

Raised Bill No. 5350 AN ACT CONCERNING AN ASSISTANT TO THE LONG-TERM CARE OMBUDSMAN.

I want to especially thank the members of the Aging Committee for raising this important bill.

The federal long term care ombudsman program began in the early 1970's as part of an initiative to improve conditions for individuals residing in skilled nursing facilities. The purpose of the Long Term Care Ombudsman Program is to ensure that all elders and persons with disabilities receive quality services in the institutional setting in which they reside. To date the services of the Connecticut Long Term Care Ombudsman Program have been limited to those individuals residing in skilled nursing facilities, residential care homes and assisted living facilities.

Forty-four years after the Older American's Act mandated that all states have a State Long Term Care Ombudsman Program, the long term care environment has changed dramatically. Consumers of long term supports and services have voiced their desire to remain in their homes and communities. And today, with the many initiatives supported by Governor Malloy and this legislative body to rebalance and modernize Connecticut's long term services and supports, consumers have every expectation that home and community based services are a realistic option.

With rebalancing efforts in mind, the 2013 CT General Assembly mandated that the Ombudsman Program develop a Community Ombudsman Pilot Project commencing on July 1, 2014, and some funds were appropriated for this endeavor. The addition of a new position, Assistant to the Long Term Care

Ombudsman, will support the Program's advocacy services for all Connecticut residents along the continuum of care. The Ombudsman Program is a proven effective advocate. Most often the Ombudsman resolves complaints and problems at the resident and facility level. This means only the most deficient issues are referred to state agencies such as the Department of Public Health, the Department of Social Services, the Attorney General and the Chief State's Attorney. The Ombudsman Program protects the health, safety, welfare and rights of residents, that is our mandate. But the result is that we also do this at a cost savings to the State.

By 2015 it is estimated that the number of Connecticut residents aged 65 and older will increase by nearly twelve percent and as a result there will be a significant increase in the demand for long term services and supports. The Connecticut Long Term Care Ombudsman has the distinct opportunity to broaden and strengthen its role as an advocate for long term care consumers. We are excited by this opportunity and also challenged by it. The creation of this new position will aid the current and future work of the Program and will benefit the State of Connecticut by supporting the rebalancing efforts.

Raised Bill No. 5395 AN ACT CONCERNING AGING IN PLACE.

The Long Term Care Ombudsman Program is pleased to support this bill. Many of the recommendations of the Aging in Place Task Force are included in this proposal. The State Ombudsman was honored to be a part of that workgroup and assist in the formulation of those recommendations. The Commission on Aging, Executive Director Ms. Julia Evans-Starr, is in a unique position to assist in the development and/or administration of many of the proposals outlined in HB 5395, including the Livable Communities Initiative. The Ombudsman Program stands ready to support those efforts in any way. And the Aging Committee is to be acknowledged for its responsiveness to the Aging in Place Task Force recommendations and prioritizing these recommendations in this proposal.

I am grateful for this opportunity to speak with you about the important legislative proposals which will improve the quality of life and care of Connecticut long term care consumers.

Nancy Shaffer, State Ombudsman